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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,965	08/27/2001	Kevin O'Rourke	2001P07803US01	5436

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EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/939,965

Applicant(s)

O'ROURKE, KEVIN

Examiner

Jacques Veillard

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 17 is/are allowed.
- 6) ☒ Claim(s) 7-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the Applicant's amendment filed on 3/1/2004.
2. Claims 1-9, and 11-20 have been amended.
3. Claims 1-20 are pending and presented for examination.

### ***Priority***

4. Applicant's claim for domestic priority of provisional application number 60/287,275 filed on 4/27/2001 and provisional application number 60/287,644 filed on 4/30/2001 under 35 U.S.C. 119(e) is acknowledged.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 filed on 3/1/2004 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessette (U. S. Pat. No. 6,263,330) in view of Frid et al. (U. S. Pat. No. 5,857,967, to Frid) and De La Hueraga (U. S. Pat. No. 6,032,155).

As per claim 7, Bessette teaches a system for use by a portable processing device for providing updated patient record information to a patient record information repository (See col.4, lines 18-67, and col.7, line 21 through col.8, line 4 “ Bessette uses a portable of memory device, of the so called Smart card as an integrated circuit based card containing individual specific medical information of a patient”). Bessette does not explicitly teach the system comprising the activities of initiating display of a data collection page for a patient; storing updated patient record information acquired by user data entry via said data collection page.

However, Frid teaches a universal accessible healthcare which generates a set of medical information (See the title and the abstract) including the limitation of: initiating display of a data collection page for a patient (See Fig.2, col.2, lines 48-50, and col.5, lines 24-36); storing updated patient record information acquired by user data entry via said data collection page (See col.4, lines 38-49, col.5, lines 37-43, and col.6, lines 1-6).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Bessette with the teachings of Frid because Frid provide a healthcare device having communication path and server which provides access to the medical information using an open standard network protocol on the communication path wherein HTML files may be generated on the fly by the server in response to an HTTP command from a requesting web client in order to display the medical information of a patient in a web page manner.

The combination of Bessette and Frid does not teach a system for generating a URL link including an address of said repository and containing fields incorporating said updated patient record information and information identifying a patient record section; and communicating said

Art Unit: 2175

updated patient record information to said information repository at said address in response to user selection of a displayed menu icon.

De La Hueva teaches a system includes the features of of generating a URL link including an address of said repository and containing fields incorporating said updated patient record information and information identifying a patient record section(See Figs.25 and 27, col.4, lines 6-16, and col.6, line 61 through col.7, line 12); and communicating said updated patient record information to said information repository at said address in response to user selection of a displayed menu icon (See col.13, lines 31-34, and col.14, lines 12-14).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the combination's teachings of Bessette and Frid with the teachings of De La Hueva because provides a healthcare device wherein an information device records actual consumption information, and delivers this information back to the workstation database or to a hospital or a plurality databases by using a URL address.

As per claim 18, the claim has substantially the same limitations as claim 7. These limitations have already been addressed in the rejection of claim 7. Therefore, it is rejected on similar grounds corresponding to the arguments given for the rejected claim 7 above.

As per claim 8, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, wherein said activity of communicating said updated patient record information comprises communicating said updated patient record section information via said URL data field to said information repository (See Frid's col.2, lines 61-67).

As per claims 9 and 19, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, including the activity of identifying updated patient record information different from information previously communicated to said information repository, and wherein said step of communicating said updated patient record information comprises communicating said different updated patient record information via said URL data field to said information repository (See Frid's col.3, lines 64-67 and col.4, lines 1-13).

As per claim 10, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, wherein said data collection page comprises an HTML page (See Frid's Fig.2, col.5, lines 24-29).

As per claims 11-13, and 20, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, including the activity of time-stamping updated patient record section information acquired by user data entry via said data collection page, storing the patient record section, and communicating said time stamped patient record (See Frid's Fig.2, col.5, lines 30-33).

As per claim 14, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, including the activity of communicating said identified updated data collection page by Email to a remote application in response to user selection of a displayed menu icon (See De la Huerga's col.17, lines 1-19).

As per claim 15, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention including the activity of providing a menu supporting user customization of a data collection page for a particular patient (See De La Huerga's Figs.17-23 and corresponding text).

As per claim 16, the combination of Bessette, De La Huerga and Frid, as modified, teaches the claimed invention, including the activity of initiating display of a patient record contents menu comprising a plurality of links to a corresponding plurality of section of a patient record including a link to a patient data collection page in response to user selection of a link to said patient record section (See De La Huerga's Fig.25 and corresponding text).

***Allowable Subject Matter***

8. Claims 1-6, and 17 are allowed over the prior art of record.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art taken singularly or in combination fails to teach or suggest : a method for generating a URL link for accessing a patient record repository, wherein the generated URL link including an address of the repository and containing fields incorporating the information identifying the particular section of the patient record and the patient record as recited in independent claim 1.

The dependent claims 2-5, being further limiting to the independent claim 1, definite and enabled by the specification are also allowed.

Regarding claims 6 and 17, the prior art taken singularly or in combination fails to teach or suggest: a system for receiving URL link data fields containing information identifying a patient record and a particular section of the patient record; and deriving the information identifying a patient record and a particular section of the patient record information from the URL link data fields.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Other Prior art Made of Record***

10. Yarin et al.

U. S. Pat. No. 6,294,999,



.Swor et al.	U. S. Pat. No. 6,148,297,
Segal et al.	U. S. Pub. No. 2001/0041991,
Svab	U. S. Pub. No. 2003/0037065, and
Haitin et al.	U. S. Pat. No. 6,636,780.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**12. Any response to this action should be mail to:**

Commissioner of Patent and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 746-7239 (for formal communication intended for entry)

**Or:**

(703) 746-7240 ( for informal of draft communications, please label  
"PROPOSED" or "DRAFT")

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.  
VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.

Application/Control Number: 09/939,965  
Art Unit: 2175

Page 9

*Charles Rones*  
CHARLES RONES  
PRIMARY EXAMINER

*J.V.*

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Jacques Veillard  
Patent Examiner TC 2100

May 11, 2004